

REMARKS

Claims 1-20 are pending. Claims 1-2, 8, and 10 are being amended.

Claims 1-20 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,563,762 to Leung et al. ("Leung").

Leung does not disclose the invention recited in claims 1-20. Independent claims 1 and 8 recite a method of fabricating a memory cell and independent claim 14 recites a method of fabricating a memory device. Leung simply does not disclose, either explicitly or inherently, any method that makes either a memory cell or a memory device. The Examiner refers to Figures 3 and 5-10 and the accompanying text of Leung, but those figures and that text do not show or mention a memory cell, a memory device, or a method of making a memory cell or device. Instead, Leung shows and describes a capacitor 100 that is formed above a substrate that includes active devices of an integrated circuit. There is no suggestion that the capacitor 100 is part of a memory cell or device or that the active devices of the integrated circuit form a memory cell or device. Therefore, claims 1-20 are not anticipated by Leung.

In addition, Leung does not disclose the steps recited in claims 1 and 8 for forming the memory cell. In particular, amended claim 1 recites forming a MOS transistor on a semiconductor substrate and forming a capacitive element coupled in series with the MOS transistor. Leung does not show or mention any MOS transistor. It is possible that the active devices referred to in Leung could be MOS transistors, but Leung simply does not disclose forming such MOS transistors as required for an anticipation showing. In addition, even if one assumed that the active devices were MOS transistors, Leung still does not teach that the capacitor 100 should or could be connected in series with one of the active devices. Accordingly, claim 1 is not anticipated by Leung.

Claims 2-7 depend on claim 1, and thus, are not anticipated by Leung for the reasons expressed above.

Although the language of claims 8-13 is not identical to that of claims 1-7, the allowability of claims 8-13 will be apparent in view of the above discussion.

Leung also does not disclose the steps recited in claim 14 for forming the memory device. In particular, claim 14 recites forming a matrix of memory cells each including a MOS

device and a capacitive element and forming a conductive flat outside of the memory matrix. Leung does not form any matrix of memory cells, does not form any MOS device, and does form a memory cell that includes a capacitive element. The Examiner points to column 7, line 66 – column 8, line 3 of Leung as disclosing a memory cell matrix and a MOS device, but that portion of Leung just does not mention either a memory cell matrix or a MOS device. Instead, that portion makes a vague reference to active devices of an integrated circuit, but such a vague reference cannot support an anticipation rejection of a claim that explicitly forms a memory cell matrix and a MOS device. In addition, given that Leung does not disclose a memory matrix, Leung cannot disclose a conductive flat that is outside of the memory matrix. Accordingly, claim 14 is not anticipated by Leung.

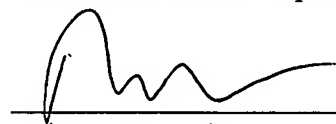
Claims 15-20 depend on claim 14, and thus, are also not anticipated for the reasons expressed above.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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